



The Board also charged Respondent with violation of certain provisions of Maryland Health Occupations Article, Code Annotated §12-313. Specifically, the Board charged Respondent with violation of the following provisions:

Subject to the hearing provisions of §12-315 of this subtitle, the Board, on the affirmative vote of a two-thirds majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

- (3) Aids an unauthorized individual to practice pharmacy or to represent that the individual is a pharmacist;
- (20) Is professionally, physically, or mentally incompetent.
- (24) Violates any rule or regulations adopted by the Board.

COMAR 10.34.05 states in pertinent part:

10.34.05.02A - A pharmacy facility shall be enclosed in such a manner as to prevent persons not authorized by the pharmacist from entering the area after it has been secured by the pharmacist.

10.34.05.02C - Any time a completed prescription is given to a patient a pharmacist shall be present in the pharmacy for communication and any other required professional service.

10.34.05.04A - Only the pharmacist or pharmacists shall have possession of keys to the pharmacy facility.

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging document sent to Respondent on November 3, 1995. A prehearing conference on those charges was held on November 15, 1995, and was attended by George Voxakis, P.D., President of the Board, Paul Ballard, Assistant Attorney General, Counsel for the Board and Norene Pease, Executive

Director of the Board. Also in attendance were Respondent, Joseph Kempler, Esquire, Counsel for Respondent and the Administrative Prosecutor, Janet Klein Brown, Assistant Attorney General. Barbara Folz Jackson, a consumer member and Irvin Lotier, P.D., a retail pharmacist were also present.

On December 15, 1995, Respondent was given notice of amended charges and on January 10, 1996, Respondent was given notice of second amended charges. A prehearing conference on those charges was held on January 16, 1996 and was attended by George Voxakis, P.D., President of the Board, Paul Ballard, Assistant Attorney General, Counsel for the Board and Norene Pease, Executive Director of the Board. Also in attendance were Respondent, Alan M. Foreman, Esquire and Joseph Kempler, Esquire, Counsel for Respondent and the Administrative Prosecutor, Janet Klein Brown, Assistant Attorney General.

Following the prehearing conference, the parties and the Board agreed to resolve the administrative charges. As a result of negotiations entered into at the prehearing conference the parties have agreed to enter into the following Consent Order.

#### FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland and has been the owner and full-time pharmacist at Green's Pharmacy in Havre de Grace, Maryland (the "Pharmacy").

2. At all times relevant to the charges herein, Respondent

has been practicing pharmacy under a Final Consent Order (the "Order") issued by the Board on November 29, 1993.

3. Respondent failed to submit his quarterly reports which were due on June 1 and September 1, 1995, in a timely manner in violation of condition 8 of the Order.

4. Although Respondent completed fifteen (15) continuing education hours, only ten (10) such continuing education hours were in the area of controlled substance law, in violation of condition 2 of the Order.

5. On October 5, 1995, Division of Drug Control Inspector Robert Chang conducted a routine inspection of the Pharmacy. When Inspector Chang entered the Pharmacy, Respondent was not on the premises of the Pharmacy, and no other pharmacist was on the premises.

6. While Respondent was out of the Pharmacy, the non-pharmacist female employee accepted prescriptions to be filled from patients both personally and as refills over the telephone.

7. Respondent arrived at the Pharmacy approximately 55 minutes later.

8. The prescription department of the Pharmacy is not enclosed and secure from entry of persons in other areas of the establishment.

9. Between January, 1995 and December, 1995, Respondent frequently vacated the Pharmacy, leaving the prescription department unsecured at various times during the day for periods up to 30 minutes at a time and permitted the pharmacy technician to be

present in the Pharmacy's unsecured prescription department while the Pharmacy was open and no pharmacist was on duty.

10. Health Occupations Article §12-403 (a)(3) provides that, "except as otherwise provided in this section, a pharmacy for which a permit has been issued under this title shall be constantly under the personal and immediate supervision of a licensed pharmacist."

11. The actions of the Respondent, in permitting the prescription department of the Pharmacy to be open and unsecured without a licensed pharmacist being present, are in violation of Condition 12 of the Order, which requires the Respondent shall practice in accordance with the Maryland Pharmacy Practice Act and in a competent manner.

12. The actions of the Respondent in permitting the prescription department of the Pharmacy to remain open and unsecured without a licensed pharmacist being present are in violation of Section 12-313(b)(24) of the Act and COMAR 10.34.05.02A.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law, that Respondent violated conditions of probation numbers 2, 8 and 12 and violated §12-313(24) of the Act and COMAR 10.34.05.02A of the regulations of the Board.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and agreement of the parties, it is this 1<sup>st</sup> day of February, 1996, by a majority of a quorum of the Board, hereby

ORDERED that the license of Naeem Qureshi, P.D., to practice pharmacy be SUSPENDED for a period of two (2) years; and be it further

ORDERED that all but ninety (90) days of said suspension shall be immediately STAYED and Respondent shall be placed on PROBATION, subject to the following conditions:

1. Respondent shall agree that a representative of the Board may make periodic, random, unannounced inspections and telephone calls to the Pharmacy at any time the Pharmacy is open to determine if a licensed pharmacist is on duty; provided that, a representative of the Board making a telephone call to the Pharmacy shall identify himself or herself as a representative of the Board.

2. Respondent shall immediately inform the Board in writing of any changes in the Pharmacy hours of operation. Respondent agrees that at the time of this Consent Order, the hours of operation of the Pharmacy are Monday through Friday, 9:30 - 5:30 and Saturday, 9:30 - 2:00.

3. Respondent shall agree that if a licensed pharmacist is not on duty at the time of the inspection or telephone call, the Board may take immediate action, including but not limited to, revocation or suspension of Respondent's license to practice pharmacy, prior to giving Respondent an opportunity for a hearing.

However, Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 10-210 et seq., within thirty (30) days after Respondent notifies the Board in writing of his desire for such a hearing regarding the Board's action. The Board may, in its discretion, fail to entertain such notice if received more than ninety (90) days after its action.

4. Respondent shall maintain a log, in a bound spiral notebook, in his own handwriting, or in the handwriting of any licensed pharmacist who substitutes for Respondent, a list of all prescriptions which have been submitted to the pharmacist by telephone and shall make the list available to the representative of the Pharmacy Board during all inspections. Respondent shall maintain a sample of the handwriting of every pharmacist who works in the Pharmacy and shall make the samples available to the representative of the Board during all inspections.

5. Respondent shall not permit non-pharmacist personnel to have possession of keys to the Pharmacy; shall retrieve any and all keys that are currently in the possession of any person not a licensed pharmacist; and shall replace any locks for which he is unable to retrieve any key in the possession of a person not a licensed pharmacist.

6. Respondent agrees to have a consultation with a pharmacist member of the Board, designated by the Board, within sixty (60) days after the suspension is lifted, to review all procedures which relate to the practice of pharmacy and Respondent

Pharmacy Act and in a competent manner; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Consent Order; and be it further

ORDERED that in the event the Board receives a report which it believes in good faith to be accurate which states that a licensed pharmacist was not on duty at the Pharmacy at the time of any inspection or telephone call, or in the event the Board finds for any reason in good faith that the public health, safety or welfare imperatively requires emergency action, the Board may take immediate action, including, but not limited to, revocation or suspension of Respondent's license to practice pharmacy prior to giving Respondent an opportunity for a hearing. However, Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 10-210 et seq., within thirty (30) days after Respondent notifies the Board in writing of his desire for such a hearing regarding the Board's action. The Board may, in its discretion, fail to entertain such notice if received more than ninety (90) days after its action; and be it further

ORDERED, that the terms and conditions of Respondent's probation under the Final Consent Order dated November 29, 1993 are hereby terminated; and be it further

ORDERED that two (2) years from the date of this Order, Respondent shall be notified of a scheduled time at which Respondent shall petition the Board for termination of Respondent's



hearing before the Board.

By this Consent Order, I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law and Order provided the Board adopts the foregoing Final Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in §10-215 of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland, and any right to appeal as set forth in §12-316 of the Act and §10-215 of the Administrative Procedure Act. I acknowledge that by failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice Pharmacy in the State of Maryland.

January 30, 1996  
Date

Naeem U. Qureshi  
Naeem Qureshi, P.D.

STATE OF MARYLAND )  
CITY COUNTY OF Baltimore ) ss:

I HEREBY CERTIFY that on this 30th day of January, 1996, a Notary Public of the State of Maryland and City/County aforesaid, personally appeared Naeem Qureshi, P.D., License No. 08893, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESS my hand and Notarial Seal.

Mendith A. Phillips  
Notary Public